

1 Stephen M. Hohs
2 61 Cherry Crest Lane
3 San Jose, CA 95136-3618
4 Telephone Number: (408) 225-4353
5 Plaintiff, In Pro Per

FILED

2008 MAY -1 P 2:26

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN JOSE DIVISION**

9 *clw*
10 **STEPHEN M. HOHS**

CASE NO. C 08-02177 JW

11
12 **Plaintiff,**

PLAINTIFF STEPHEN M. HOHS'
DEMAND FOR JURY TRIAL

13
14
15
16
17
18 **VS.**

19
20
21 **ALLSTATE INSURANCE COMPANY**
22 **and DOES 1 through 100, inclusive,**

23 **Defendants,**
24
25

26 **Plaintiff Stephen M. Hohs' Demand for Jury Trial** **Case No. C 08-02177 JW**
27 **Hohs V. Allstate Insurance Company and Does 1 through 100 Inclusive** **Page 1**
28

1 1. Plaintiff, Stephen M. Hohns ("Hohns") filed on March 11, 2008 in the Superior Court
2 of California for the county of Santa Clara, entitled "Hohns V. Allstate Insurance Company
3 and Does 1 through 100, inclusive, Case No. 1-08-CV-107836 ("Superior Court Action")

4
5 2. Plaintiff's Complaint ("Complaint") explicitly makes a demand for jury trial on the
6 caption page and also on ¶ 49, 13:25 being the last line of the complaint prior to the prayer
7 section.


8
9 3. Defendant, Allstate Insurance Company ("Allstate") filed a notice of removal
10 on April 28, 2008 for the Superior Court Action. Plaintiff as of May 1, 2008 has not received
11 a notice of removal and became aware of the removal on April 30, 2008 upon the receipt of
12 Defendant's Certification of Interested Entities or persons and Corporate Disclosure Statement
13 of Allstate Insurance Company.

14
15 4. Civil Local Rule ("LRCP") 3-6(a) requires that a jury trial demand be stated on
16 both the caption page and at the end of the pleading. Plaintiff believes that his jury trial
17 demand satisfies both Federal Rule of Procedure ("FRCP") Section 38(b)(1) and LRCP 3-6(a).

18
19 5. Plaintiff files this demand for jury trial pursuant to FRCP Section 81(c)(3) which
20 allows for a jury trial demand no later than 10 days after Defendant's notice of removal served
21 onto Plaintiff.

22
23 6. Plaintiff hereby demands a jury trial on all issues.

24
25 Dated: May 1, 2008


STEPHEN M. HOHS, Plaintiff in Pro Per

26
27 Plaintiff Stephen M. Hohns' Demand for Jury Trial Case No. C 08-02177 JW
28 Hohns V. Allstate Insurance Company and Does 1 through 100 Inclusive Page 2

CERTIFICATION OF SERVICE BY MAIL

**Hohs v. Allstate Insurance Company and Does 1 through 100 inclusive
United States District Court Northern District Court of California San Jose Division
Court Case Number C08-02177 JW**

I, Joachim Sier, do hereby certify that I am over 18 years of age, not a party to
the within action and am a resident of San Jose, CA.

On May 1, 2008 I served the following documents

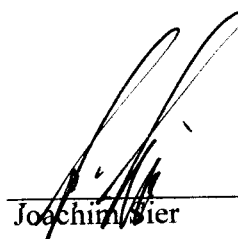
Plaintiff Stephen M. Hohs' Demand for Jury Trial

by enclosing a true copy thereof in envelope addressed to the parties as follows:

**Cynthia L. Mellema, Esq.
Jeffrey Butler, Esq.
Michelle Bradley, Esq.
Sonnenschein Nath & Rosenthal LLP
2121 N. California Blvd., Suite 800
Walnut Creek, CA 94596**

And then sealing the envelope with postage thereon fully prepaid, depositing it in the United
States mail in the city of San Jose, county of Santa Clara by ordinary first-class mail.

I certify under penalty of perjury that the foregoing is true and correct. Executed on
May 1, 2008


Joachim Sier

Plaintiff Stephen M. Hohs' Demand for Jury Trial Case No. C 08-02177 JW
Hohs V. Allstate Insurance Company and Does 1 through 100 Inclusive Page 3